

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Say et al. Customer No. : 21003
U.S. Patent No. : 6,565,509
Application : 09/667,199 Group Art Unit : 3992
Serial No.
Filed : September 21, 2000 Examiner : N. Natnithithadha
For : Analyte Monitoring Device and Methods of Use

**SUBMISSION OF REVOCATION OF POWER OF ATTORNEY
WITH NEW POWER OF ATTORNEY**

ELECTRONICALLY FILED

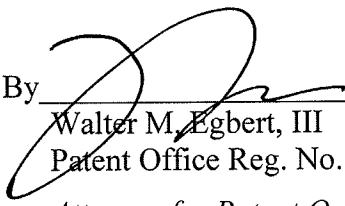
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Revocation of Power of Attorney with New Power of Attorney in the referenced Application. The Power of Attorney is signed on behalf of assignee Abbott Diabetes Care, Inc., as evidenced in the attached Statement under 37 CFR §3.73(b).

Respectfully submitted,
BAKER BOTTS, LLP

Dated: July 1, 2009

By 
Walter M. Egbert, III
Patent Office Reg. No. 37,317
Attorney for Patent Owner
BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

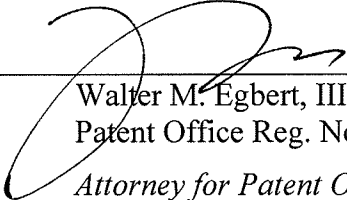
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2009, I served the foregoing SUBMISSION OF REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY upon Requestor's Counsel by causing a copy to be delivered by Express Mail # **ED762055992US** to:

Requestor's Counsel

Peng Chen
Morrisson & Foerster, LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130
(858) 720-5100



Walter M. Egbert, III
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30 Rockefeller Plaza
New York, NY 10112

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| | | |
|--|------------------------|----------------------|
| REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS | Application Number | 90/009,390 |
| | Filing Date | 02/10/2009 |
| | First Named Inventor | James Say et al. |
| | Art Unit | 3992 |
| | Examiner Name | GAGLIARDI, ALBERT J. |
| | Attorney Docket Number | 003168.0741 |

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

21003

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

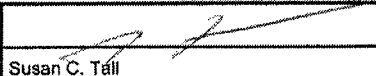
21003

OR

| | | | | | |
|---|--|-------|-------|-----|--|
| <input type="checkbox"/> Firm or Individual Name | | | | | |
| Address | | | | | |
| City | | State | | Zip | |
| Country | | | | | |
| Telephone | | | Email | | |

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

| | | | |
|-----------|---|-----------|--------------|
| Signature |  | | |
| Name | Susan C. Tall | | |
| Date | 7-1-09 | Telephone | 510.864.4381 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: James Say et al.Application No./Patent No.: 90/009,390 Filed/Issue Date: 02/10/2009Entitled: ANALYTE MONITORING DEVICE AND METHODS OF USEABBOTT DIABETES CARE, INC., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

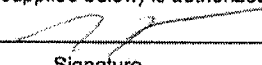
1. From: J. Say et al. (except Y. Gal) To: E. Heller & Co.
The document was recorded in the United States Patent and Trademark Office at
Reel 009319, Frame 0614, or for which a copy thereof is attached.
2. From: Y. Gal To: E. Heller & Co.
The document was recorded in the United States Patent and Trademark Office at
Reel 009319, Frame 0595, or for which a copy thereof is attached.
3. From: E. Heller & Co. To: Therasense, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 010773, Frame 0281, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

| | |
|---|--|
|  _____ Signature | <u>7-1-09</u> _____ Date |
| <u>Susan C. Tall</u> _____ Printed or Typed Name | <u>510.864.4381</u> _____ Telephone Number |
| _____ Senior Counsel, Intellectual Property Title | |

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Title:

Analyte Monitoring Device and Methods of Use

Use Space Below for Additional Information:

Statement Under 37 CFR 3.73(b) continued

Additional Documents in the chain of title:

Ratification of Conveyance

Between: Bd. of Regents Univ. of Texas And: Therasense, Inc.

Reel: 011682, Frame: 0737

Change of Name

From: Therasense, Inc. To: Abbott Diabetes Care, Inc.

Executed: July 25, 2005, a copy thereof is attached.

Delaware

PAGE 1

The First State

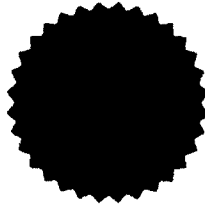
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "THERASENSE, INC.", CHANGING ITS NAME FROM "THERASENSE, INC." TO "ABBOT DIABETES CARE INC", FILED IN THIS OFFICE ON THE TWENTY-EIGHTH DAY OF JULY, A.D. 2005, AT 10:03 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID RESTATED CERTIFICATE IS THE FIRST DAY OF AUGUST, A.D. 2005.

3283408 8100

050625610



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 4056779

DATE: 07-29-05

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:02 PM 07/28/2005
FILED 10:03 PM 07/28/2005
SRV 050625610 - 3283408 FILE

CERTIFICATE OF AMENDMENT OF
AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION

TheraSense, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, by unanimous written consent of its member filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Amended and Restated Certificate of Incorporation of said corporation:

RESOLVED, that effective August 1, 2005, the Amended and Restated Certificate of Incorporation of TheraSense, Inc. be amended by changing the first Article thereof so that, as amended, said Article shall be and read as follows:

"The name of the Corporation is Abbott Diabetes Care Inc."

SECOND: That in lieu of a meeting and a vote of stockholders, the stockholders have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this certificate to be signed by its Secretary, this 25th day of July, 2005.


By: Honey Lynn Goldberg
Secretary